UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,145	01/12/2001	Bill J. Bonnstetter	P04361US1	2367

22885 7590 01/12/2006

MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

EXAMINER	
MOORTHY, ARAVIND K	

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/760,145	BONNSTETTER ET AL.	
	Examiner	Art Unit	
	Aravind K. Moorthy	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the amendment filed on 27 October 2005.

2. Claims 1-40 are pending in the application.

3. Claims 1-40 have been rejected.

Response to Arguments

4. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3, 5-18, 22, 25-30, 34-38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dirksen et al U.S. Patent No. 6,853,975 B1 in view of Morisawa et al U.S. Patent No. 5,537,544.

As to claim 1, Dirksen et al discloses a method of evaluation or assessment of persons, jobs, or employees comprising:

(a) assigning a password for a respondent [column 3, lines 32-49];

(c) providing an assessment instrument respondent after verification of password [column 3 line 50 to column 4 line 16];

(d) receiving responses from the respondent the assessment instrument [column 3 line 50 to column 4 line 16];

(e) processing the responses into an assessment report [column 3 line 50 to column 4 line 16];

(f) sending the assessment report to one more locations authorized by the set permissions associated with the password [column 5, lines 13-20].

Dirksen et al does not teach (b) initializing a set of permissions relative to the password.

Morisawa et al teaches initializing a set of permissions relative to a password [column 6, lines 21-49].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dirksen et al so that the assigned password would have had a set of permissions relative to the password.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dirksen et al by the teaching of Morisawa et al because it gives the password a functional range based on the type of password [column 2 line 57 to column 3 line 3].

As to claim 2, Dirksen et al teaches managing distribution of documents including assessment instruments, over a wide area network [column 5, lines 13-20].

As to claim 3, Dirksen et al teaches that the wide area network is in a global computer network [column 5, lines 13-20].

As to claim 5, Morisawa et al teaches that the permissions include what can be accessed, opened, changed [column 8, lines 15-39].

As to claim 6, Dirksen et al teaches that the assessment instrument a survey related human performance [column 3 line 50 to column 4 line 16].

As to claim 7, Dirksen et al teaches that human performance relates to job performance [column 3 line 50 to column 4 line 16].

As to claim 8, Dirksen et al teaches that human performance relates to personal performance [column 3 line 50 to column 4 line 16].

As to claim 9, Dirksen et al teaches assigning a password for one or more other entities [column 3, lines 32-49].

As to claim 10, Morisawa et al teaches that the entities are categorized in a hierarchy of different hierarchy levels [column 16, lines 14-62].

As to claim 11, Morisawa et al teaches that each hierarchy level has a set of permissions [column 16, lines 14-62].

As to claim 12, Morisawa et al teaches that the hierarchy levels range from a higher to a lower hierarchy level, and no set of permissions of a lower hierarchy level is broader than any higher hierarchy level [column 16, lines 14-62].

As to claim 13, Dirksen et al teaches that there can be simultaneous access by a plurality of authorized entities [column 3, lines 8-32].

As to claim 14, Dirksen et al teaches a web site [column 3, lines 32-49].

As to claim 15, Dirksen et al teaches that the web site contains an administration site and a survey site [column 3, lines 32-49].

As to claim 16, Dirksen et al teaches that a plurality of entities can have simultaneous access [column 5, lines 23-43].

As to claim 17, Dirksen et al teaches that the password comprises identifying information and a secured access code [column 3, lines 32-49].

As to claims 18 and 30, Dirksen et al teaches that the entities are selected from the set comprising a master distributor, a distributor, a client and a respondent [column 3, lines 8-25].

As to claims 22 and 34, Dirksen et al teaches that the set of permissions associated with a respondent include (a) respond to an assigned assessment instrument [column 3, lines 32-49].

As to claim 25, Dirksen et al teaches that the variety of reporting options include (a) an activity report of who responded to assessment instruments, (b) automatic electronic delivery of a report to one more addresses, (c) sorting capabilities, (d) summarizations [column 5, lines 13-20].

As to claim 26, Dirksen et al teaches changing options for the permissions via the wide area network [column 3, lines 32-49].

As to claim 27, Morisawa et al teaches that more permissions than are assigned an entity cannot be passed on to another entity [column 3, lines 32-49].

As to claim 28, Dirksen et al discloses a method for managing distribution of assessment documents over a wide area comprising:

(a) providing an assessment instrument for completion by respondents [column 3 line 50 to column 4 line 16];

(b) assigning a password for an entity having a level of rights [column 3, lines 32-49];

(d) allowing the entity access web site on a global computer network and enabling the initialized permissions for the entity [column 3, lines 32-49];

(e) providing an assessment instrument to the respondent which gauges an individual potential employee's suitability with regards to a particular job, an

individual existing employee's suitability or performance with regards to a particular job, or an individual boss's performance with regards to a particular job [column 3, lines 32-49];

(f) receiving responses from the respondent to the assessment instrument [column 3, lines 32-49];

(g) processing the responses into an assessment report [column 5, lines 13-20];

(h) sending the assessment report to one or more locations authorized by the permissions [column 5, lines 13-20].

Dirksen et al does not teach (c) initializing permissions relative to the password based on the level rights for the entity, the permissions including at least one respondent password having permissions based on the level of rights for a respondent.

Morisawa et al teaches initializing permissions relative to the password based on the level rights for the entity, the permissions including at least one respondent password having permissions based on the level of rights for a respondent [column 16, lines 14-62].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dirksen et al so that a set of permissions relative to the password would have been initialized based on the level rights for the entity, the permissions would have included at least one respondent password having permissions based on the level of rights for a respondent.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dirksen et al by the teaching of Morisawa et al because it

gives the password a functional range based on the type of password [column 2 line 57 to column 3 line 3].

As to claim 29, Morisawa et al teaches that the set of permissions for a given level of rights can not be exceeded by a password associated with a lesser level rights [column 16, lines 14-62].

As to claim 35, Dirksen et al discloses a system for managing assessments comprising:

(a) a plurality of terminals each adapted to access a wide area network, as discussed above;

(b) a central server [column 3, lines 32-49];

(c) software associated with the central server which administers a web site and which provides permissions [column 3, lines 32-49];

Dirksen et al does not teach a password having a set of permissions correlated to a respondent for an assessment survey which gauges an individual potential employee's suitability with regards to a particular job, an individual existing employee's suitability or performance with regards to a particular job, or an individual boss's performance with regards to a particular job. Dirksen et al does not teach a password having a set of permissions correlated an entity interested in the respondent's responses to the assessment survey.

Morisawa et al teaches a password having a set of permissions correlated to a respondent, as discussed above. Morisawa et al teaches having an administrative password [column 18, lines 5-49].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dirksen et al so that there would have been a

password having a set of permission correlated to a respondent for the assessment survey. The party interested in the responses of the assessment survey would have had a password having a set of permission correlated to the password.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dirksen et al by the teaching of Morisawa et al because it gives the password a functional range based on the type of password [column 2 line 57 to column 3 line 3].

As to claim 36, Dirksen et al teaches that the assessment relates to job or personal performance of a human, as discussed above.

As to claims 37 and 38, Dirksen et al teaches that the assessment survey is electronic nature or is hard copy nature [column 3, lines 32-49].

Claim 40, Dirksen et al discloses a method of evaluation or assessment of persons, jobs, or employees comprising:

(a) assigning a password to a respondent [column 3, lines 32-49];

(c) providing an assessment instrument which gauges an individual potential employee's suitability with regards to a particular job, an individual existing employee's suitability or performance with regards to a particular job, or an individual boss's performance with regards to a particular job to a respondent after verification of password [column 3, lines 32-49];

(d) receiving responses from the respondent to the assessment instrument [column 3 line 50 to column 4 line 16];

(e) processing the responses into an assessment report [column 3 line 50 to column 4 line 16];

(f) sending the assessment report to one or more locations authorized by the set of permissions associated with the password [column 5, lines 13-20].

Dirksen et al does not teach (b) initializing a set of permissions relative to the password.

Morisawa et al teaches initializing a set of permissions relative to a password [column 6, lines 21-49].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dirksen et al so that the assigned password would have had a set of permissions relative to the password.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dirksen et al by the teaching of Morisawa et al because it gives the password a functional range based on the type of password [column 2 line 57 to column 3 line 3].

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dirksen et al U.S. Patent No. 6,853,975 B1 and Morisawa et al U.S. Patent No. 5,537,544 as applied to claim 1 above, and further in view of Nagai U.S. Patent No. 6,490,687 B1.

As to claim 4, the Dirksen-Morisawa combination teaches passwords, as discussed above.

The Dirksen-Morisawa combination does not teach that the password is useable one time and then invalidated.

Nagai teaches passwords that are useable one time and then invalidated.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Dirksen-Morisawa combination so that the assigned passwords were usable one time and then invalidated.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Dirksen-Morisawa combination by the teaching of Nagai because it minimizes the risk that a password will be compromised, the number of login attempts that may be attempted are often limited, so that an attacker cannot keep trying different passwords until successful [column 1, lines 34-41].

7. Claims 19 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dirksen et al U.S. Patent No. 6,853,975 B1 and Morisawa et al U.S. Patent No. 5,537,544 as applied to claims 1 and 28 above, and further in view of Kane et al U.S. Patent No. 6,141,778.

As to claim 19, the Dirksen-Morisawa combination teaches (c) ability to manage reports [column 8, lines 39-51].

The Dirksen-Morisawa combination does not teach that the set of permissions associated with a master distributor password include (a) ability to create response links and passwords, (b) ability to set up new accounts, (d) ability to change its own and others' account options.

Kane et al teaches the ability to create passwords [column 5 line 64 to column 6 line 16]. Kane et al teaches the ability to set up new accounts [column 5 line 64 to column 6 line 16]. Kane et al teaches the ability to change its own and others' account options [column 7, lines 55-62].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Dirksen-Morisawa combination so that the master distributor's password would have included the ability to create passwords, set up new accounts, manage reports and the ability to change its own and others' account options.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Dirksen-Morisawa combination by the teaching of Kane et al because it decentralizes control and permits for rapid updates [column 7, lines 55-62].

8. Claims 20 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dirksen et al U.S. Patent No. 6,853,975 B1 and Morisawa et al U.S. Patent No. 5,537,544 as applied to claims 1 and 28 above, and further in view of Kane et al U.S. Patent No. 6,141,778.

As to claim 20, the Dirksen-Morisawa combination does not teach that the set of permissions associated with a distributor password include (a) ability to create response links and passwords, (b) ability to set up new accounts, (d) ability to change its own account options.

Kane et al teaches the ability to create passwords [column 5 line 64 to column 6 line 16]. Kane et al teaches the ability to set up new accounts [column 5 line 64 to column 6 line 16]. Kane et al teaches the ability to change its own account options [column 7, lines 55-62].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Dirksen-Morisawa combination so that a distributor's password would have included the ability to create passwords, set up new accounts and the ability to change its own account options.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Dirksen-Morisawa combination by the teaching of Kane et al because it decentralizes control and permits for rapid updates [column 7, lines 55-62].

9. Claims 21 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dirksen et al U.S. Patent No. 6,853,975 B1 and Morisawa et al U.S. Patent No. 5,537,544 as applied to claims 1 and 28 above, and further in view of Kane et al U.S. Patent No. 6,141,778.

As to claim 21, the Dirksen-Morisawa combination does not teach that the set of permissions associated with a client include (a) ability to create response links and passwords, (b) ability to manage reports, (c) ability change account options.

Kane et al teaches the ability to create passwords [column 5 line 64 to column 6 line 16]. Kane et al teaches the ability to set up new accounts [column 5 line 64 to column 6 line 16]. Kane et al teaches the ability to change its own account options [column 7, lines 55-62].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Dirksen-Morisawa combination so that a client's password would have included the ability to create passwords, set up new accounts and the ability to change its own account options.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Dirksen-Morisawa combination by the teaching of Kane et al because it decentralizes control and permits for rapid updates [column 7, lines 55-62].

10. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dirksen et al U.S. Patent No. 6,853,975 B1 and Morisawa et al U.S. Patent No. 5,537,544 as applied to claim 1 above, and further in view of Cohen-Levy et al U.S. Patent No. 5,423,034.

As to claims 23, the Dirksen-Morisawa combination does not teach that the step of sending the reports includes a variety of reporting options. The Dirksen-Morisawa combination does not teach that the variety of options includes (a) to whom the report will be sent, (b) when they will be sent, (c) what will be in the report, (d) what form it will be sent.

Cohen-Levy et al teaches a step of sending documents that includes a variety of sending options. Cohen-Levy et al teaches that the variety of options includes (a) to whom the document will be sent, (b) when they will be sent, (c) what will be in the document, (d) what form it will be sent.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Dirksen-Morisawa combination so that there would have been a variety of reporting options. The options would have included (a) to whom the report will be sent [column 15, lines 55-66], (b) when they will be sent [column 19, lines 50-56], (c) what will be in the report [column 20, lines 40-57], (d) what form it will be sent [column 20, lines 8-25].

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Dirksen-Morisawa combination by the teaching of Cohen-Levy et al because it ensures that the appropriate receiver obtains the copy of the report. It ensures that the report will be sent when it has been completed and it gives the user the option of sending it in hard copy or electronic form [column 13, lines 3-61]

11. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dirksen et al U.S. Patent No. 6,853,975 B1 and Morisawa et al U.S. Patent No. 5,537,544 as applied to claim 28 above, and further in view of Pisello et al U.S. Patent No. 5,678,042.

As to claim 39, the Dirksen-Morisawa combination does not teach that the set of permissions can vary from password to password.

Pisello et al teaches that a set of permissions can vary from password to password [column 19, lines 12-17].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Dirksen-Morisawa combination so that the set of permissions would have varied from password to password.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the Dirksen-Morisawa combination by the teaching of Pisello et al because it helps restrict users without having the administrator being concerned with each individual user [column 19, lines 3-11].

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy AM
January 6, 2006

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100